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Message of the Governor of Montana

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MESSAGE

OF

GOVERNOR

Jno. Schuyler Crosby,

DELIVERED TO THE

LEGISLATIVE ASSEMBLY OF THE TERRITORY OF MONTANA,

HELENA, JANUARY 25TH, 1883.

Printed by Order of the Legislative Assembly.

HELENA, M. T.:
INDEPENDENT STEAM PRINTING HOUSE.
1883.

GOVERNOR'S MESSAGE.

Gentlemen of the Council and House of Representatives :

My recent arrival in the Territory, and my necessarily imperfect knowledge of its necessities, would make a long communication to you on interests that you understand so well, presuming—while the recent message of my predecessor fortunately makes it unnecessary.

But among the general questions that forcibly strike me, are the Registration or qualification of Voters, Railroad taxation, the Indian question, and the more perfect enforcement of the Game and Timber laws of the Territory. At the outset of my administration, however, I am particularly struck with the necessity of providing some security against the temporary paralysis of the legislative function. If the Executive, or any officer under the supreme general Government, should attempt to prevent your lawful deliberations, you would properly denounce him as a usurper; why, then, should any single member, or any body of members of the Legislature, absent himself or themselves with impunity, to prevent a quorum of your body? I earnestly suggest that this young, great and uncorrupted Territory, while reverencing every safeguard that

custom and law have thrown around debate, should provide some penalty that would secure your legislation against a deadlock organized for personal ends to prevent any legal meeting. The people have a right to the service of every member of the Legislative body, as much as any employer is entitled to service for which he pays.

REGISTRATION AND VOTING.

In a country so vast and sparsely settled as Montana, a rule of registration of voters might work hardship in some cases, but not in the cities, towns, or more populous districts. However this may be, the qualification of voters should be more sharply defined. It is now well known that we are in part represented through the votes of men who had no definite purpose to become citizens. The county residence imposed by law is, in my opinion, too short, and the declaration of intention too informal. It is not credible that men really intending to weld their fortunes with this Territory, would place in office incumbents disqualified by law.

I earnestly recommend an increase of the term required by law for residence in the County as a condition precedent to suffrage, and also that identification with the Territory shall be made to mean something more than a purpose to work upon a railroad therein to the end of a job.

The foundation of suffrage should be high and pure. All government is corrupted with its corruption. Those only who are honestly citizens, in intent or fact, should touch the highest privilege of the Republic.

In this connection I earnestly urge the propriety of repealing Sec. 528, Article 1st, Chapter 21, Revised Statutes of Montana, and compelling a voter to have a defined pre-

cinct for voting purposes as a security against fraud. As the law now stands, a dishonest man may vote for Delegate to Congress in as many places in the Territory as he can cover while polls are open. This provision may have been kindly intended to prevent a citizen whose interests carried him far from his home, from losing his vote. But the possibility of abuse that results from this law is sufficient to call for its immediate repeal. It is less a hardship that an honest voter should lose his vote, than that a dishonest one should annul many honest ones by repeating.

RAILROAD TAXATION.

The vast benefits conferred by railroads upon this Territory in the last year, are but a shadow of what may be expected. Overweening protection to an interest armed with delegated sovereign powers, and that may always become a too potent monopoly, is of course unwise. But the importance of railroads to a Territory as large as New England, New York and Pennsylvania, both as inviting travel and settlement, and opening our immense productive powers and resources to the markets of the world, is a standing protest against any such destructive taxation as should absolutely deter capital from this essential investment. I respectfully invite your most wise and painstaking attention to the very important subject of the taxation of railroads, so that you may discover the just and happy medium, which shall compel them to pay an equitable share of their profits to the people from whom they derive their powers, and yet not deter the millions of capital seeking investment from planting their iron lines firmly in the soil of our Territory.

I would suggest, if possible, the propriety of Territorial legislation that would so adjust taxation as to equally

and equitably foster all enterprises in their feeble years, and impose heavier taxation as profits increase. In this matter I advocate a system that will secure the greatest possible increase of taxable property to the Territory, and and tax it fully and equitably wherever visible without regard to county lines. To overtax the first hundred miles anywhere may prevent the incoming of a thousand more that would increase real estate values through the Territory a hundred fold.

THE INDIANS.

The Indian problem is complicated by the duty on the one hand of being just, and even generous, to a people who once owned the whole Territory, and, on the other, by that irresistible law of nature under which a lower must yield to a higher civilization. The vast acreage, *per capita* now surrendered to tribes who neither mine, plow, nor pasture it, excites some discontent among the white population. I would not overlook the merit of Indian schools, but I think the reclamation of the Indian from savage and idle ways, by encouraging him to feed himself as a herder of cattle—one step toward becoming an agriculturalist—instead of more precariously by hunting, is more important. Hunting tempts him from his reservation and is mimic war. It excites the wild and crafty passions. John Elliott, the old apostle of the Indians, after years of teaching them the Bible in the Indian tongue, bitterly exclaimed: "One day of hunting makes my Indians all savage!" I would suggest that Congress be memorialized to take more efficient measures to restrain the Indians absolutely from leaving their reservations for hunting, and to feed them well, now that the buffalo is becoming less plentiful, and teach the Indians, either as tribes or individuals, to be

herders and agriculturists, and so to feed themselves. The nation ought to learn from a sad and expensive experience, that it is cheaper to feed the Indian than to fight him.

GAME PROTECTION.

It is the policy of the general Government to protect the game of the Yellowstone Park. This policy is in accordance with the purpose of our Territorial laws. The two, hand in hand, would do much to create an asylum for the great game of the Northwest, now fast disappearing before the march of civilization and from wanton slaughter by the whites, and also by the Indians who leave their reservations for this purpose, and thereby antagonize the interests of the white settlers of this Territory in their neighborhood. The Park, ere long, if preserved, might become stocked with game; and its overflow would furnish food for our own people, and for sportsmen who would be attracted to this Territory and spend annually large sums of money to the advantage of our citizens. As the game laws of the Territory are openly violated, and the daily spectacle of one law regarded with impunity brings all laws into contempt, I would recommend that the most stringent provisions found in the Territorial laws for the protection of game birds and fish, by making possession of portions evidence, be extended to all our large game animals. I would also advise that you authorize the Executive to appoint a salaried Game Warden in each County, and that half the fines imposed on offenders against the game laws be given to such officers, to stimulate them to a vigilant discharge of their duty.

FEEES

I earnestly endorse the recommendation of my immediate predecessor, that you consider the exorbitancy of

fees in certain cases, and the discrepancy of compensation in certain offices. But out of abundant caution I take the earliest opportunity to state my conviction that we can never be too circumspect in attempting to reduce the salaries of our judges of every grade. To the public service belong the highest legal talent and professional learning. Personal independence is vital to the independence of the judiciary through a long term of time. In some of the older States salaries were originally and properly fixed at such rates as to secure for the public service on the Bench, the highest professional attainments. Now, times and prices have so changed, that lawyers of the first class cannot afford to forego the more lucrative practice of the Bar to take judicial office. Because a Bench overmastered by a better paid and abler Bar is an unfortunate spectacle, I trust that Montana will never, from false economy, attempt to diminish the dignity, importance and personal independence of her judiciary.

PROTECTION TO TRAVELERS.

The frequent and increasing perils of ocean travel are deterring many travelers for pleasure from crossing the Atlantic, and will turn them towards the wonderful scenery of our country, if we make travel on our railroads safe. A failure to protect life and property on our railways and steamboats will result in great pecuniary losses to our people. The now frequent derailment of railroad trains for the purpose of plunder or from malice, is so cowardly and atrocious an attempt to take hundreds of lives at one stroke, that I will, if it shall seem to your wisdom proper, sign a bill making the offense, as the most scoundrelly form of murder, punishable with death.

PARDONS.

The reputation of this Territory as a law-abiding community, safe for settlement and the investment of capital, is so essential that I cannot too earnestly urge upon you the importance of certain and just punishment for wilful violations of law. The intended line of demarcation between the Executive, the Judicial and the Legislative departments, will generally guide my own course in the matter of pardons. While I hope I shall not be found derelict in the attribute of mercy, I shall assume that the Legislature has made wise laws, that the Courts have pronounced just sentences, and that it is not the province of the Executive, on *ex parte* hearings, or friendly intercessions, to annul decisions and paralyze laws by pardons of wilful criminals. It is an imposition of a grave burden upon the Executive to condemn a defendant on a full hearing, and in the same breath recommend him to mercy.

MINING.

I deem it so important that the world should know more about the extent of our resources, that I recommend the appointment of a Commission, properly constituted, of scientific men and practical miners, to prepare a semi-annual report that will place the mining industries and capacities of Montana in a just position before the people of the United States and foreign lands.

And now, Gentlemen, in conclusion, I beg leave to express the cordial pleasure I have in meeting you, and to hope that our relations may be so harmonious and our deliberations so wise, as to conduce to the best interests of this great Territory over which you are called to legislate.

JNO. SCHUYLER CROSBY.